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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.M. No.7813-CII of 2014 in/and
F.A.O. No. M-219 of 2003 (O&M)
Date of decision: 07.05.2014

Harvinder Kaur ..... Appellant

Versus

Randhir Singh ..... Respondent

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. H.K. Aurora, Advocate for the applicant- appellant.

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S.S. SARON, J.

C.M. No.7813-CII of 20 14 has been filed by the applicant – appellant for withdrawing the appeal. The same is supported by an affidavit of the appellant.

Notice of C.M.

Ms. Rubina, Advocate for Mr. R.S. Rai, Senior Advocate, accepts notice on behalf of the respondent.

Learned counsel for the respondent states that the respondent has no objection if the appeal is withdrawn.

We have given our thoughtful consideration to the matter.

The marriage between the parties was solemnised according to Sikh rites at Mahilpur, District Hoshiarpur on 04.07.1993. After marriage,

the parties lived together as husband and wife at Kapurthala. From the marriage, the parties had a daughter, namely, Penny, who was born on 16.08.1995 and she has been living with the appellant. In view of the matrimonial dispute between the parties, the appellant – wife on 25.04.1997 filed a petition under Section 13 of the Hindu Marriage Act, 1955 (`Act' – for short) seeking divorce from the respondent on the ground that he had treated her with cruelty. The respondent contested the petition. It was submitted that the petition filed by the appellant was a counter blast to his petition filed against the appellant under Section 9 of the Act seeking restitution of conjugal rights. It is stated that the petition filed under Section 9 of the Act has since been withdrawn by the respondent- husband on 02.08.2002. In any case, the petition of the appellant – wife was dismissed by the learned Additional District Judge (Adhoc), Fast Track Court, Hoshiarpur on 29.04.2003. Aggrieved against the same, the appellant – wife has filed the present appeal.

The appeal was admitted on 27.04.2004. Thereafter, the case was referred to the Mediation and Conciliation Centre functioning in the High Court in order to work out some amicable solution. However, the mediator on 10.01.2014 recorded that the appellant appeared on 28.11.2013 and thereafter, she had chosen not to appear on 05.12.2013 and 18.12.2013. As such, mediation could not be held in her absence. In the circumstances, the case was referred back to this Court.

Now, the present C.M has been filed for withdrawing the appeal. As already noticed, the learned counsel for the respondent has no

objection to the same.

In the circumstances, we allow the application for withdrawing the appeal and dismiss the appeal as withdrawn.

(S.S. SARON)
JUDGE

(NAVITA SINGH)
JUDGE

07.05.2014
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